HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION No. 16864 of 2006

Between:

Ravilisetty Krishna murthy

…Petitioner

AND

The Secretary to the Government of India,
Ministry of Home Affairs, Freedom Fighters
Pension Cell, New Delhi and others

…Respondents

Counsel for the petitioner: None

Counsel for Respondents 1 and 2: Sri A.Rajeshekar Reddy
Asst. Solicitor General

Counsel for Respondents 3 to 6: Advocate General

Dated: 23-8-2006

ORDER:

Per G.S.Singhvi, CJ

On the last date of hearing, we had requested the learned Advocate General of the State of Andhra Pradesh and Sri A.Rajeshekar Reddy, learned Assistant Solicitor General to accept notice on behalf of the State and on behalf of Government of India.

Learned Advocate General says that he has gone through the record. He suggested that even though the papers containing the application made by Sri Ravilisetty Krishna Murthy @ Jhanda Krishna s/o Subba Rao r/o H.No.11-10-709/6, Burhanpuram, Khammam District may not be available, his case can be considered by the Committee constituted by the State Government vide G.O.Rt.No.1680 dated 2-8-2006.

We appreciate the gesture of the learned Advocate General and deem it proper to pass the following order:

1. Mandal Revenue Officer, Khammam should personally go to Sri Ravilisetty Krishna Murthy @ Jhanda Krishna who is presently residing at H.No.11-10-709/6, Near Anjaneya Swami Temple, Burhanpuram, Khammam District and complete the paper formalities for the purpose of consideration of his case for grant of pension either under the State Scheme or the Central Scheme. This shall be done within a period of 10 days from today;

2. The papers collected and got prepared by Mandal Revenue Officer, Khammam be placed before the Committee constituted by the State Government vide G.O.Rt.No.1680 dated 2-8-2006. The Committee shall consider the petitioner's case and make its recommendation within a period of 6 weeks from the date of receipt of papers;
3. If the petitioner is found entitled to pension under the State

Scheme then the Competent Authority of the Government shall issue necessary orders for sanction of pension in his favour and the amount payable to him is paid within a period of next 6 weeks.

4. If, on the other hand, the Committee comes to the conclusion that the petitioner is eligible for grant of pension under the Swatantra Sainik Samman Pension Scheme, 1980 then the recommendation of the Committee together with necessary papers be immediately forwarded by the Revenue Secretary, Government of Andhra Pradesh (Freedom Fighters Division) to the Deputy Secretary to Government of India, Ministry of Home Affairs (Freedom Fighters Division) within 2 months from the date of communication sent by the Revenue Secretary, Government of Andhra Pradesh (Freedom Fighters Division) to the Deputy Secretary to Government of India, Ministry of Home Affairs (Freedom Fighters Division) who shall consider and decide the petitioner's claim for grant of pension under 1980 Scheme, keeping in view the fact that his case has been forwarded by the Government of Andhra Pradesh as early as on 12-8-1986 vide letter No. 4726/FF.II-2/86-1 sent by Additional Secretary to Government, Revenue Department, Government of Andhra Pradesh to the Deputy Secretary to Government of India, Ministry of Home Affairs, Freedom Fighters Division and letter No.6/4/93-PMP-J4/1657211 sent by the office of Prime Minister of India to the Ministry of Home Affairs. The decision taken by the concerned authority of the Government of India shall be communicated to the petitioner by registered post at the end of 2 months period.

5. If the petitioner is found entitled to receive pension under the 1980 Scheme then direction be issued for release of pension payable to him. The arrears, if any, admissible to the petitioner shall be paid to him within next 4 months.

The writ petition is disposed of in the manner indicated above.

G.S.SINGHVI, CJ

23rd August, 2006

G.V.SEETHAPATHY, J

GRR

Note:

1. The Court Officer is directed to give attested copies of this order to the learned Advocate General and Sri A.Rajeshekar Reddy, learned Asst.Solicitor General by tomorrow.

2. The Registrar (Judicial) is directed to communicate attested copy of this order to Sri Ravilisetty Krishna Murthy @ Jhanda Krishna, s/o. Subba Rao, H.No.11-10-709-6, Burhanpuram, Near Anjaneya Swamy Temple, Khammam Khammam District.